

**United States District Court
Western District of Washington
Tacoma Division**

John Doe #1, et al.,

Plaintiffs,

vs.

Sam Reed, et al.,

Defendants.

No. 3:09-CV-05456-BHS

The Honorable Benjamin H. Settle

Motion to Continue the Trial Date

NOTE ON MOTION CALENDAR:
September 9, 2011

1 Come now Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington, and
2 move the Court to continue the trial date. Plaintiffs asked Defendants to agree to this motion but
3 they declined. However, Plaintiffs believe that this motion should be granted for the following
4 reasons:

5 1. On June 29, 2011, Plaintiffs, State Defendants, and both Intervenor-Defendants filed
6 cross motions for summary judgment. Therefore, all parties agree that this case may be resolved
7 on summary judgment.

8 2. As all the facts and issues are before the Court in the form of the summary judgment
9 briefing, Plaintiffs do not believe a trial will be necessary or helpful in order to resolve this case.

10 3. As of the filing of this motion, the cross motions for summary judgment are still
11 pending. Due to the possibility that the Court may resolve the case based on one or more of these
12 motions for summary judgment, and because the additional time and cost necessarily expended to
13 prepare for trial may be fruitless, the trial should be postponed until the summary judgment
14 motions are resolved.

15 4. Even if the case is not resolved upon the pending summary judgment motions, any order
16 or opinion issued by the Court regarding the motions will certainly inform the focus of the trial
17 going forward. Therefore, postponing the start of the trial will preserve resources and promote
18 judicial economy.

19 5. Plaintiffs agree to meet any and all deadlines imposed by the Court up to and including
20 the various September 6, 2011 deadlines. However, if the Court grants this motion, Plaintiffs
21 respectfully request that the pretrial conference be moved to a date corresponding with the start
22 of the trial.

23 6. Plaintiffs also note that, on September 1, 2011, Jared Haynie, the attorney for Plaintiffs
24 who heretofore handled all substantive matters of the case, filed a motion to withdraw from the
25 case (because he accepted other employment). (Dkt. 262.). Mr. Haynie will no longer be
26 employed at Bopp, Coleson & Bostrom effective September 16, 2011. Counsel James Bopp, Jr.
27 anticipated having Mr. Haynie's assistance in preparing for the trial. As such, Mr. Bopp has
28 limited availability leading up to the trial and is unavailable on September 12, 2011, the currently

1 scheduled date for the pretrial conference.

2 Because this case may be resolved on the pending motions for summary judgment or,
3 alternatively, because the resolution of those motions may affect the focus of the trial, Plaintiffs
4 therefore pray that the Court grant this motion to continue the trial pending resolution of the
5 cross motions for summary judgment.

6
7 Dated this 1st day of September, 2011.

8 Respectfully submitted and approved by:

9 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington:

10 By: /s/ James Bopp, Jr.
11 James Bopp, Jr.
Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

I, James Bopp, Jr., am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On September 1, 2011, I electronically filed the foregoing document, described as Motion to Continue the Trial Date, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Anne E. Egeler
anneel@atg.wa.gov
Jay Geck
jayg@atg.wa.gov
James K. Pharris
jamesp@atg.wa.gov
Counsel for Defendants Sam Reed and Brenda Galarza

Steven J. Dixon
sjd@wkdlaw.com
Duane M. Swinton
dms@wkdlaw.com
Leslie R. Weatherhead
lwlibertas@aol.com
Counsel for Intervenor Washington Coalition for Open Government

Ryan McBrayer
rmcbrayer@perkinscoie.com
Kevin J. Hamilton
khamilton@perkinscoie.com
William B. Stafford
wstafford@perkinscoie.com
Rhonda L. Barnes
rbarnes@perkinscoie.com
Counsel for Intervenor Washington Families Standing Together

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 1st day of September, 2011.

/s/ James Bopp, Jr.
James Bopp, Jr.
Counsel for All Plaintiffs